

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLES HICKS, # 246241,

Plaintiff,

v.

ALABAMA DEPARTMENT  
OF CORRECTIONS, *et al.*,

Defendants.

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CASE NO. 2:06cv990-MEF

**ORDER**

On November 9, 2006, the Magistrate Judge filed a Recommendation (Doc. #5) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's claims against the Alabama Department of Corrections are DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That Alabama Department of Corrections is DISMISSED as a defendant in this cause of action.
4. That this case, with respect to the plaintiff's claim against the remaining defendants, is REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this the 1st day of December 2006.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE